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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 RICHARD SHELDREW and
10 JUDY SHELDREW,
11 Plaintiffs,

12 v.

13 UNITED STATES POSTAL SERVICE,
14 Defendant.

3:19-cv-290-LRH-WGC

UNITED STATES POSTAL SERVICE'S
MOTION FOR EXTENSION OF TIME IN
WHICH TO FILE RESPONSE TO
COMPLAINT
(First Request - Unopposed)

16 Defendant United States Postal Service (USPS), through its undersigned counsel, moves
17 this Court for an Order extending the time within which it is required to file a responsive pleading
18 to and including July 30, 2019. Counsel for plaintiffs does not object to the requested extension
19 of time. The basis for this motion is as follows:

20 1. This action against USPS was originally filed in the Ninth Judicial District for the
21 State of Nevada (Douglas County). USPS is the only defendant named in the complaint. The relief
22 sought against USPS includes an injunction to prohibit USPS from installing "new mailboxes"
23 in an area plaintiffs allege to be impermissible for that purpose.
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1 2. On March 31, 2019, the USPS filed its Notice of Removal (#1) removing this
2 action from the State Court to the Federal Court pursuant to 28 USC § 1442(a).

3 3. Rule 81(c), Federal Rules of Civil Procedure, provides the time period to answer
4 a complaint in a removed action. The time period provided by Rule 81(c) is the later of twenty-
5 one (21) days after service or receipt of the complaint or seven (7) days after removal. However,
6 USPS would ordinarily be permitted a sixty (60) day response time, calculated from the date of
7 service of process, pursuant to Rule 12(a)(3), Federal Rules of Civil Procedure.

8 4. At this time, it does not appear service of process was properly effected on USPS
9 prior to removal of this action to this Court. The U.S. Attorney's office in Las Vegas received a
10 copy of the State-court complaint on May 28, 2019.

11 5. The usual sixty-day response time is needed to adequately evaluate the allegations
12 of the complaint, ascertain the USPS's interest in the subject real property, and to thereafter
13 prepare a response to the complaint.

14 6. No prior request has been made for the relief requested herein. The undersigned
15 communicated with plaintiffs' counsel and was advised she has no objection to the requested
16 extension.

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1 7. It is requested that the time for the United States Postal Service to respond to the
2 complaint be extended to sixty days following the date of removal of this action, an extension
3 that would yield a deadline of July 30, 2019, for a response.

4 Respectfully submitted,

5 NICHOLAS A. TRUTANICH
6 United States Attorney

7 /s/ Greg Addington
8 GREG ADDINGTON
9 Assistant United States Attorney

10 IT IS SO ORDERED.

11 Date: June 7, 2019.

12 William G. Cobb
13 UNITED STATES MAGISTRATE JUDGE
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